

District Court of the United States for said district a libel for the seizure and condemnation of 24 cases of tomato pulp remaining unsold in the original unbroken packages and in possession of Morris Scherzer, New York, N. Y., alleging that the product had been shipped on or about May 3, 1913, by William P. Andrews from Wingate, Md., and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The product was labeled: "Windmill Brand Tomato Pulp (Picture of ripe tomato) Contents weigh nine ounces or over. Made from tomatoes and fresh tomato trimmings, with great care. Packed by Wm. P. Andrews, Crapo, Md."

Adulteration of the product was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, to wit, decayed tomato pulp.

On June 10, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1914.

3111. Adulteration and misbranding of stock feed. U. S. v. 300 Sacks of Stock Feed. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. Nos. 5230, 5231. S. Nos. 1809, 1811.)

On May 17, 1913, the United States Attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 300 sacks of stock feed, remaining unsold in the original unbroken packages and in possession of V. P. Stokes, New Orleans, La., alleging that the product had been shipped on or about April 15, 1913, by the Ozark Feed Co., Neosho, Mo., and transported from the State of Missouri into the State of Louisiana, and charging adulteration and misbranding in violation of the Food and Drugs Act. Part of the product was in cotton sacks and labeled: "100 Lbs. Neozark Molasses Feed. Corn, Oats, Corn Bran, Alfalfa, Screenings, Salt & Molasses. A Well Balanced Ration. Ozark Feed Co., Neosho, Mo." (On a small card attached to sack) "Neozark Molasses Feed Average Guaranteed Analysis: Crude Fat 3 per cent. Crude Protein 11 per cent. Crude Fiber 13 per cent. Carbohydrates 52 per cent. Made from Alfalfa, Molasses, Corn, Oats, Corn Bran, Salt. Ozark Feed Co., Neosho, Mo." (On small tag on sack) "Guaranteed—100 Lbs. E. D. Bruner Com. Season of 1912 & 1913. State of Louisiana." Part was in jute sacks and labeled: "100 Lbs. Neozark Molasses Feed—Corn, Oats, Alfalfa, Corn Bran, Recleaned Screenings, Salt & Molasses. A Well Balanced Ration—Ozark Feed Co., Neosho, Mo." (On small card attached to sack) "Neozark Molasses Feed—Average Guaranteed Analysis: Crude Fat 3 per cent—Crude Protein 11 per cent—Crude Fiber 13 per cent—Carbohydrates 52 per cent. Made from Alfalfa, Molasses, Corn, Oats, Corn Bran, Salt. Ozark Feed Co., Neosho, Mo." (Small tag on sack) "Guaranteed 100 Lbs. E. D. Bruner, Com. Season of 1912 & 1913. State of Louisiana."

It was alleged in the libel that the product was adulterated in the following manner and particulars, to wit, that the samples thereof were analyzed by the Bureau of Chemistry of the Department of Agriculture of the United States; that said analysis of the samples from the 300 sacks of stock feed revealed that it contained: Moisture, 17.04 per cent; ether extract, 2.5 per cent; protein, 9.54 per cent; crude fiber, 11.56 per cent. Analysis of the second samples

showed: Moisture, 16.28 per cent; ether extract, 2.4 per cent; protein, 8.67 per cent; crude fiber, 10.85 per cent. And further, a microscopic analysis of said samples showed that the product contained 4.5 per cent of weed seeds and shriveled wheat grains, which said weed seeds and shriveled wheat grains were probably put in said product as screenings, and said stock feed was therefore adulterated in violation of the provisions of the Food and Drugs Act of June 30, 1906. It was alleged in the libel that the product was misbranded in the following particulars, to wit: That the aforesaid labels indicated that the labels on divers of said 300 sacks of stock feed from which the samples first above referred to were removed and taken for analysis proclaimed that the product contained 3 per cent of crude fat, and 11 per cent of crude protein, when, in truth and in fact, said analysis revealed the presence of only 2.50 per cent fat and 9.54 per cent protein, and the labels on divers other of the said 300 sacks from which the samples secondly above referred to were taken for analysis proclaimed that the said product contained 3 per cent crude fat and 11 per cent crude protein, when, in truth and in fact, the said analysis revealed the presence of only 2.40 per cent fat and 8.67 per cent protein, and therefore the statements upon both of these labels were false and misleading, and the goods or product was therefore misbranded in violation of section 8 of the Food and Drugs Act of June 30, 1906, first general paragraph, and paragraph 2 under "Foods."

On May 28, 1913, the said Ozark Feed Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be disposed of by sale. It was provided, however, that the product should be released and delivered to said claimant upon payment of the costs of the proceedings and the execution of bond in the sum of \$200, in conformity with section 10 of the act, within 30 days from the date of the decree.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1914.

3112. Adulteration of feed barley and barley. U. S. v. 6 Cars of Feed Barley and 1 Car of Barley. Decree of condemnation by consent. Product released on bond. (F. & D. Nos. 5233, 5238. S. Nos. 1821, 1827.)

On May 26, 1913, the United States Attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 6 carloads of so-called feed barley and 1 carload of so-called barley, remaining unsold in the original unbroken packages and in possession of the West Shore Railroad Co., at Weehawken, N. J., alleging that the product had been shipped by the Mueller & Young Grain Co., Chicago, Ill., the 6 carloads on May 19, 1913, and the 1 carload on May 21, 1913, and transported from the State of Illinois into the State of New Jersey, consigned to the order of J. G. Hagemeyer & Co., New York, N. Y., for export from said Weehawken. and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the products was alleged in the libels for the reason that substances, to wit, barley screenings and weed seeds, had been mixed and packed therewith in such a manner as to reduce, lower and injuriously affect their quality and strength and further for the reason that substances, to wit, barley screenings and weed seeds, had been substituted in part for barley and for feed barley. It was also alleged in the libels that the so-called barley and so-called feed barley were imitations and were offered for sale under the distinctive name of another article, that is to say, under the name of pure barley, the same not being pure barley or pure feed barley.